

## Chapter 15.31

### COMMUNICATION TOWERS Standards and Conditions for Approval

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**15.31.010 Statement of Intent.** The purpose of this chapter is to provide for the appropriate location of communication towers and related accessory facilities to serve the needs of the community. The conditional use procedure set forth in Chapter 15.02 and this chapter provides for the review and discretionary approval of communication tower sites considering conditions specific to the location while offering uniform and comprehensive standards for the development of functionally equivalent services. These regulations are designed to assure the managed development of the community's communication infrastructure through a timely and responsible review process. (Ord. 6053, Sec. 1, 3/8/10)

**15.31.020 Applicability.** Communication towers exceeding the maximum height allowed in the underlying zoning district to a maximum height of 200 feet are permitted in all zoning districts, subject to approval of a conditional use permit as set forth in Chapter 15.02 and the additional minimum standards in this Chapter. (Ord. 6053, Sec. 2, 3/8/10)

01. The following types of communication towers are subject to the standards and procedures of this Chapter.

- a. UHF, VHF and cable television.
- b. AM, FM, and two-way radio.
- c. Fixed point microwave.
- d. Wireless communications, including but not limited to paging, cellular, enhanced specialized mobile radio (ESMR), and personal communications systems (PCS).

02. An antenna and supporting structure for the following are exempt from the development standards of this Chapter and are allowed in any zoning district, if accessory to a permitted use and in compliance with other applicable regulations of that zoning district.

- a. Amateur radios licensed by the FCC.
- b. Citizens band radios.
- c. Direct broadcast satellite discs.
- d. Conventional home television antennas, including UHF and VHF antennas.

03. Towers for police, fire and emergency communications or other municipal systems are exempt from the development standards of this Chapter.

04. Towers attached to utility poles located in public right-of-way are exempt from the development standards of this Chapter. However, placement of such towers shall be subject to review and approval by the Public Works Department and the appropriate utility.

05. Communications facilities to be co-located onto an existing legally established tower with no increase in height are exempt from the review procedures of this Chapter. However, documentation of the capacity of the structure to support weight or wind load from the additional equipment shall be provided to the Building Division of the Public Works Department prior to issuance of a building permit.

06. Building-attached facilities, either roof mounted antennas or antennas attached to the side of a building are exempt from the standards and conditions of this chapter. These structures shall be subject to review for compliance with all applicable federal, state and local regulations by the Building Division of the Public Works Department, prior to issuance of any local permits. The Community Development Department shall have the authority to approve placement of communication facilities proposed to be mounted on other structures such as water tanks, steeples or other creative locations, if it is determined that the proposed location is consistent with the facilities exempted from the procedures of this Chapter.

07. No tower shall be constructed in a manner which will interfere with emergency communication transmissions of the County. The applicant shall request documentation from the County Sheriff to verify that said tower will not create such interference. Said documentation shall be submitted with the application. Any cost incurred in the process of certifying that the tower, transmitter, receiver or any other communications equipment will not interfere with emergency communication transmissions shall be at the applicant's expense. (Ord. 6053, Sec 2, 3/8/10)

#### **15.31.030 Accessory uses**

01. Accessory structures used in direct support of a tower, including equipment cabinets and fencing shall be allowed, but not broadcast studios, vehicle storage or other outdoor storage unless otherwise permitted in the zoning district.

#### **15.31.040 Site plan review procedure**

01. Application. The property owner or their authorized representative may submit an application for a conditional use permit. The application shall be filed with the community development department, along with the required filing fee. The following information shall be considered the minimum. The community development director shall determine the adequacy and completeness of the application prior to scheduling the case before the Zoning Board of Adjustment.

- a. Legal description and location of the property with a scaled drawing with north arrow and date, showing the relationship of the parcel to the surrounding area.
- b. A site plan showing all existing and proposed structures located within the property, total acreage of the parcel, dimensions and distances of all structures within the property and 200' beyond the property line.
- c. Engineering information and drawings pertaining to tower design, building materials, accessory structures and attached equipment, capacity and the number and type of antennas.
- d. A landscape plan including screening, fencing, lighting and security measures. Notice or proof of application to the Federal Aviation Administration, Federal Communications commission and/or any other applicable state or federal regulator allowing a tower at the proposed location. Final notice shall be required prior to issuance of the building permit, if a conditional use permit is granted.

**15.31.050 Standards and conditions for approval.** Conditional use permits for the purpose of installing communication towers shall be evaluated based on the following information.

01. Compliance with Chapter 15.02 "Administration and Enforcement" authorizing the Zoning Board of Adjustment to make final decisions on applications for conditional uses and the process as described in that Chapter. (Ord. 6053, Sec. 3, 3/8/10)
02. The type and purpose of the tower
03. The height of the proposed tower as measured from the natural undisturbed ground surface below the center of the base of the tower to the tip of the highest antenna or piece of equipment attached.
04. Minimum setbacks from all adjoining property equal to:
  - a. One hundred percent of the tower height from the base of the tower to any adjoining residential dwelling, whether located upon residentially zoned property or not.
  - b. Twenty (20) feet from the base of the tower to any adjoining lot which is not zoned for residential use.
  - c. The Zoning Board of Adjustment may reduce the required setbacks on a finding that such reduction will not adversely effect adjacent properties and is consistent with the purpose and intent of this Chapter.
05. Operational characteristics of the facility including maintenance routines, employee access and security requirements.
06. Landscaping and other buffers proposed to screen the base of the tower from residential or commercial uses, streets, parks or other public property.
07. Other proposed measures to minimize the adverse visual effects on adjacent land including lighting, non-interference with radio and television reception or other mitigating factors.

08. Proximity to other towers and documentation of incompatibility with those towers, attempts to co-locate and/or accommodate other providers on the proposed tower.
09. Towers requiring painting or lighting to meet Federal Aviation Administration requirements are permitted in any zoning district.

**15.31.060 Additional regulations**

01. A conditional use permit shall become void two (2) years after the date of approval unless the applicant has obtained a building permit and is in the process of or has completed construction of the communication tower as approved.
02. A conditional use permit approved subject to these procedures shall run with the land and continue to be valid regardless of change of ownership of either the land or the approved structure, however the owner is required to notify the City of any sub-leases or shared use of the tower.
03. After proper notice of a public hearing on the matter as required elsewhere in this title, the Zoning Board of Adjustment may revoke a conditional use if it finds that the use is in violation of the terms of approval.
04. All obsolete or unused towers and accessory facilities shall be removed at owner's expense within twelve (12) months of cessation of operation at the site.

(Ord. 5458, Sec. 3, 7/99)